

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

SCOTTIE RAY VAN NORT,)	
)	
Plaintiff,)	3:09-cv-00042-LRH-WGC
v.)	
)	
GLEN FAIR, et al.,)	
)	
Defendants.)	
)	
SCOTTIE RAY VAN NORT,)	
)	
Plaintiff,)	3:09-cv-109-LRH-WGC
v.)	
)	
RICK ASHER, <i>et al.</i> ,)	
)	
Defendants.)	
)	
SCOTTIE RAY VAN NORT,)	
)	
Plaintiff,)	3:09-cv-110-LRH-WGC
v.)	
)	
GLEN FAIR, et al.,)	
)	
Defendants.)	<u>ORDER</u>

Before this Court is the Report and Recommendation of U.S. Magistrate Judge William G. Cobb¹ entered on February 2, 2012, recommending granting in part and denying in part Defendants'

¹ The Report and Recommendation is identified as document #83 in case no. 3:09-cv-0042-LRH-WGC; document #104 in case no. 3:09-cv-0109-LRH-WGC; and document #41 in case no. 3:09-cv-0110-LRH-WGC.

1 Motion for Summary Judgment (42 Doc. #62²) filed on August 19, 2011. Defendants filed their Partial
2 Objection to the United States Magistrate Judge's Report and Recommendation (42 Doc. #84) on
3 February 16, 2012. No reply to the partial objection has been filed. The action was referred to the
4 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)B and Local Rule 1B 1-4 of the Rules of Practice
5 of the United States District Court for the District of Nevada.

6 The Court has conducted its *de novo* review in this case, has fully considered the Defendants'
7 partial objections, the pleadings and memoranda of the parties and other relevant matters of record
8 pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the
9 Magistrate Judge's Report and Recommendation entered on February 2, 2012, should be adopted and
10 accepted in so far as the report and recommendation addresses defendants Fair, Wall, and Furlong.

11 However, as to those counts against defendants Ramsey and Hindelang, the court shall deny
12 the report and recommendation. Defendants Ramsey and Hindelang, along with defendants Fair, Wall,
13 and Furlong, moved for summary judgment on all of plaintiff's remaining claims. Due to an oversight
14 by defendants' counsel in captioning the motion to reflect only defendants Fair, Wall, and Furlong, the
15 Magistrate Judge did not address the counts against defendants Ramsey and Hindelang in the report
16 and recommendation on the merits. Therefore, the court shall deny the report and recommendation as
17 to those counts concerning defendants Ramsey and Hindelang and remand those counts to the
18 Magistrate Judge to be addressed on the merits.

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25 ²On April 22, 2011, Case Nos. 3:09-cv-00042, 3:09-cv-109 and 3:09-cv-110 were consolidated.
26 The motion for summary judgment was filed in case 3:09-cv-00042.

1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#83
2 in case no. 3:09-cv-0042-LRH-WGC; #104 in case no. 3:09-cv-0109-LRH-WGC; and #41 in case no.
3 3:09-cv-0110 entered on February 2, 2012, is adopted and accepted in-part and denied in-part as
4 follows:

- 5 • In 3:09-cv-00110, Counts 10 and 12 are DISMISSED with prejudice;
- 6 • In 3:09-cv-00042, summary judgment is GRANTED as to Counts 1 and 2;
- 7 • In 3:09-cv-00110 summary judgment is GRANTED as to Counts 2 and 7;
- 8 • In 3:09-cv-00109, defendants' motion for summary judgment is REMANDED to the
9 Magistrate Judge to consider Counts 7, 8, 12, 13 and 14 on the merits;
- 10 • In 3:09-cv-00110, defendants' motion for summary judgment is REMANDED to the
11 Magistrate Judge to consider Count 5 on the merits; and
- 12 • With respect to Doe defendants named in Counts 7, 8, 12, 13 and 14 in 3:09-cv-00109 and
13 Counts 2, 5 and 7 in 3:09-cv-00110, Plaintiff is given thirty (30) days from the date of entry
14 of this order within which to identify and serve these Doe defendants or show good cause
15 for failure to do so under Rule 4(m). If Plaintiff fails to identify and serve these Doe
16 defendants, and fails to establish good cause as to why they have not been served, they shall
17 be dismissed.

18 IT IS SO ORDERED.

19 DATED this 30th day of March, 2012.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE